

UNITED STATES DISTRICT COURT

NOV 14 2014

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America)

v.)

Case No.

M-14-2172-M

Miguel Angel GARZA)

Year of Birth: 1988)

U.S. Citizen)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/13/2014 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

21 USC 846

Conspiracy to Possess with the Intent to
Distribute Marijuana, approximately 248
kilograms, a schedule 1 controlled
substance.

This criminal complaint is based on these facts:

On November 13, 2014, at approximately 5:00 PM, Rio Grande City Texas Border Patrol Station advised of a positive Camera photo of two possible narcotics scouts in the area of Upper Fronton. A ground sensor was activated at the same time. Alpha 5 (AeroStat) also advised that approximately four subjects were observed scouting the river area, known as the ATV crossover. This area is notorious for narcotics smuggling. A short time later, Alpha 5 advised of an older model Silver Chevrolet Silverado displaying Texas license plates #AD4-2853, with the head lights off, emerge from the brushy area in close proximity to the 4 scouts.

(See Attachment I)

☒ Continued on the attached sheet.

Complainant's signature

Bernardo Anzaldue Jr. *DEA*

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/14/20149:01 am

Judge's signature

City and state: McAllen, Texas

Peter Ormsby, US Magistrate Judge

Printed name and title

Attachment I

1. USBP Agents requested assistance from Omaha 35A (Air Support) and advised of the activity at the riverbank. At 6:30 PM, Omaha 35A acquired visual of the aforementioned vehicle. Omaha 35A advised that the silver Chevrolet Silverado proceeded to exit the gate, known as the three car garage, towards the Fronton, Texas neighborhood. Omaha 35A maintained visual as the silver Chevrolet Silverado drove north on F.M. 650 towards U.S. Hwy 83. Visual was maintained of the silver Chevrolet Silverado driving east on Highway 83 until it reached Evitas Street in Los Saenz, Texas. At this time, the driver and passenger of the silver Chevrolet Silverado parked and exited the vehicle. Both subjects got into a sedan and proceeded to leave the area leaving the truck behind. Approximately 20 minutes later, a vehicle approached the abandoned truck and dropped off what looked like a male individual who proceeded to drive off in the silver Chevrolet Silverado. The truck drove east towards the town of La Rosita, Texas. The vehicle turned north onto Conquistador Lane in La Rosita, Texas and continued until it reached Los Nanos Lane where it turned west and parked the truck under the carport located at 75 Los Nanos Lane.
2. Agents positioned themselves strategically along Highway 83 in case that Omaha 35A would lose visual of the suspected narcotic smuggling vehicle. At 7:20 PM, Omaha 35A notified agents that the subjects were lifting the cover on the bed of the truck and it appeared they were about to offload the bundles. At approximately 7:25 PM, Agents moved into the area before the individuals could evade arrest. Upon arriving to the location Agents approached the carport of the residence where the silver Chevrolet Silverado was located and confirmed the presence of illegal narcotics in both the cab area and the bed of the truck in plain view. A total of 34 bundles weighing 248 kilograms (kg) / 546.74 pounds (lbs.) were seized.
3. Omaha 35A advised the driver of the load vehicle, later identified as Miguel Angel GARZA, DOB: 04-27-1988, a United States Citizen (USC), ran west behind the house into the brush where he was immediately apprehended. USBP Agent Mark Chavez read Miguel Angel GARZA his rights. Miguel Angel GARZA admitted the load vehicle was his and gave the keys to the truck to the Agents.
4. At the same time, Omaha 35A advised that the other 2 subjects later identified as Juan Cesar GONZALEZ, DOB: 02-21-1993, a USC and Johnathan ALANIZ, DOB: 01-08-1997, a USC were leaving the residence traveling south on Los Nanos Lane in a 4 door sedan displaying TX Paper Tags #21P3346 towards Highway 83 where agents encountered the vehicle and performed a vehicle stop, apprehending both individuals with no resistance.
5. Patrol Canine Handlers Mike Magana and Benny Anaya then deployed their canines on a search for more bodies of the area but yielded negative results.

6. A short time later, a white Ford F-150 displaying TX/LPs #07Y-MJ1 drove up to the scene, being driven by Heberto GARZA, DOB: 03-18-1962, a USC, who claimed to be the owner of the house. Heberto GARZA gave consent to search the home and opened the door for agents. A thorough search of the home for narcotics and subjects was conducted, to no avail.
7. The narcotics, subjects and vehicles were transported to the Rio Grande City Border Station for processing and disposition.
8. On that same date, at approximately 9:15 PM, Drug Enforcement Administration (DEA) Special Agent (SA) Derrick Crist and Bernardo Anzaldua Jr. arrived at the Rio Grande City, Texas US Border Patrol Station (RGCBP).
9. On November 14, 2014, at approximately 1:47 AM, SA Anzaldua, as witnessed by SA Crist, provided Miguel Angel GARZA with an English language version Form DEA-13, in which he was advised of his Miranda Rights. Miguel Angel GARZA did not wish to discuss the facts of the investigation without the presence of an attorney. The interview was terminated.
10. At approximately 4:50 AM, SAs Anzaldua and Crist took custody of Miguel Angel GARZA.